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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,689	10/11/2001	Niko Canner	056732/00004	9226

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KRAMER LEVIN NAFTALIS & FRANKEL LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
1177 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

EXAMINER
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TRUONG, CAM Y T

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/975,689

Applicant(s)

CANNER ET AL.

Examiner

Cam Y T. Truong

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-33 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant has amended claims 19, 22, 23, 28 and 30 in the amendment filed on 8/18/2006.

Claims 1-33 are pending in this Office Action.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argued that Sheehan does not teach the added claimed limitation.

In response to applicant's argument, new grounds of rejections are discussed in this Office Action.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheehan (US 6144838) in view of Dean et al (or hereinafter "Dean") (US 5957698).

As to Claims 1, 9, 22, 28 and 30, Sheehan discloses a method of conducting an assessment of an evaluatee, comprising:

presenting a plurality of queries regarding an evaluatee to an entity (col. 5, lines 45-55);

receiving a response to each of the plurality of queries (col. 5, line 60-col. 6, line 10);

applying the responses to a plurality of rules so that each rule has one of a satisfied state and an unsatisfied state (col. 5, lines 35-45; col. 6, lines 30-45; col. 7, lines 5-40; col. 10, lines 40-60);

generating individualized feedback items based on the state of the plurality of rules, each feedback item being associated with at least one of the plurality of rules having the satisfied state (col. 9, lines 45-60; col. 24, lines 5-55);

transmitting the feedback items to an entity (col. 23, lines 30-45; Fig. 6),

wherein the plurality of queries seek information as to the performance of the evaluatee (col. 8, lines 56-62; Fig. 6).

Sheehan is apparently silent regarding specifically to whom the results generated by the disclosed method are transmitted. However, Sheehan does disclose that preferred embodiments of this invention include analyzing results for the SAT and the GRE (col. 8, lines 35-50; see also cols. 19 and 20), both of which are well known to return results to an evaluatee. Furthermore, Sheehan also suggests that in the general case it is advantageous to return individualized results to an evaluatee, in order to allow one to plan for enrollment in future courses as one example (col. 1, lines 45-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to transmit the feedback items to the evaluatee, so that the evaluatee can react appropriately to, and benefit from, the diagnosis (col. 1, lines 42-48).

Sheehan does not explicitly disclose performance of the evaluatee in a business, group, team, collaborative enterprise, or other setting requiring at least some interpersonal interaction in pursuit of a common goal, and wherein at least one of said presenting, receiving, applying, generating and transmitting are performed using at least one of a computer, data processing device, electronic communications system, or electronic data network.

Dean teaches the performance of the students in group of the collaborative learning assessment (col. 6, lines 10-15). Dean also teaches presenting each of the responses to students by using a computer (col. 6, lines 27-35; col. 3, lines 25-35).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Dean's teaching of the performance of the students in the collaborative learning assessment and presenting each of the responses to the group project by using a computer to Sheehan's system in order to improve performance of a student in a work group efficiently.

As to claim 3, Sheehan and Dean disclose the limitation of Claim 1 above. Sheehan further discloses the entity is a group one or more persons (col. 5, lines 30-35).

As to claim 5, Sheehan and Dean disclose the limitation of Claim 1 above.

Sheehan further discloses a host computer presents the plurality of queries and transmits the feedback items to the evaluatee (col. 23, lines 30-45).

As to claim 6, Sheehan and Dean disclose the limitation of Claim 1 above.

Sheehan further discloses the plurality of rules include mathematical formulae (col. 25, lines 5-30).

As to Claim 7, Sheehan and Dean disclose the limitation of Claim 1 above.

Sheehan further discloses the plurality of rules include Boolean operations (col. 26, lines 45-55).

As to Claim 8, Sheehan and Dean disclose the limitation of Claim 7 above.

Sheehan further discloses ones of the plurality of rules use output from other of the plurality of rules (col. 28, lines 20-45).

As to Claim 10, Sheehan and Dean disclose the limitation of Claim 9 above.

Sheehan further discloses the memory includes a query database storing the plurality of queries (col. 8, lines 30-50).

As to Claim 11, Sheehan and Dean disclose the limitation of Claim 9 above.

Sheehan further discloses the memory includes a rules database storing the plurality of rules (col. 26, lines 55-65).

As to Claim 12, Sheehan and Dean disclose the limitation of Claim 9 above.

Sheehan further discloses the memory stores the responses to the plurality of queries (col. 8, lines 30- 50).

As to Claim 13, Sheehan and Dean disclose the limitation of Claim 9 above.

Sheehan further discloses the user computer includes a display to display the feedback items (col. 14, line 65-col. 15, line 30).

As to Claim 14, Sheehan and Dean disclose the limitation of Claim 9 above.

Sheehan further discloses the plurality of rules include a Boolean operation, a true condition of the Boolean operation corresponding to the satisfied state and a false condition of the Boolean operation corresponding to the unsatisfied state (col. 20, lines 20-55).

As to Claim 15, Sheehan and Dean disclose the limitation of Claim 9 above.

Sheehan further discloses the communications link includes one of a dialup connection, a wireless network connection, a local area network, a wide area network, fiber optic connection and an Internet connection (col. 24, lines 15-25).

As to Claim 16, Sheehan and Dean disclose the limitation of Claim 9 above. Sheehan further discloses the memory includes computer executable code identifying an additional set of queries to be presented to the entity as a function of a predetermined response to at least one of the plurality of the plurality of queries (col. 13, line 5-50).

As to Claim 17, Sheehan and Dean disclose the limitation of Claim 9 above. Sheehan further discloses the queries include one of a statement and a question (Fig. 2A).

As to Claim 18, Sheehan and Dean disclose the limitation of Claim 9 above. Sheehan further discloses the computer executable code transmitting the feedback items to the user computer includes links to additional resources related to a respective feedback item (col. 13, lines 35-60).

As to Claim 19, Sheehan and Dean disclose the limitation of Claim 18 above. Sheehan further discloses the links include one of a hyperlink or URL and an identification of one or more additional resources (col. 13, lines 35-60).



As to Claim 20, Sheehan and Dean disclose the limitation of Claim 19 above. Sheehan further discloses hyperlink includes identification of a universal resource locator and the additional resource includes publication (col. 13, lines 35-60).

As to Claim 21, Sheehan and Dean disclose the limitation of Claim 9 above. Sheehan further discloses the entity includes one of an individual and a group (col. 5, lines 30-40).

As to Claim 23, Sheehan discloses a method of conducting an assessment of an evaluatee, comprising:

presenting a plurality of queries to an entity regarding an evaluatee (col. 5, lines 45-55);

receiving a response to each of the plurality of queries (col. 5, line 60-col. 6, line 10);

applying the responses to a plurality of rules so that each rule has one of a satisfied state and an unsatisfied state (col. 5, lines 35-45; col. 6, lines 30-45; col. 7, lines 5-40);

generating individualized feedback items based on the state of the plurality of rules, each feedback item being associated with at least one of the plurality of rules having the satisfied state (col. 9, lines 45-60; col. 24, lines 5-55);and

transmitting the feedback items [to the evaluatee: see rejection of claim 1 for

obviousness/motivation], at least one of the feedback items including a link to an additional resource associated with the feedback item, wherein the plurality of rules results in at least a first comparative indicator and at least a second comparative indicator, the first comparative indicator representing an ideal situation for the evaluatee, and the second comparative indicator representing a current situation for the evaluatee (col. 23, lines 30-45; Fig. 6; col. 13, lines 30-55);

wherein the plurality of queries seek information as to the performance of the evaluatee (col. 8, lines 56-62; Fig. 6).

Sheehan does not explicitly disclose performance of the evaluatee in a business, group, team, collaborative enterprise, or other setting requiring at least some interpersonal interaction in pursuit of a common goal, and wherein at least one of said presenting, receiving, applying, generating and transmitting are performed using at least one of a computer, data processing device, electronic communications system, or electronic data network.

Dean teaches the performance of the students in the collaborative learning assessment as group (col. 6, lines 10-15). Dean also teaches presenting each of the responses to the group project by using a computer (col. 6, lines 27-35; col. 3, lines 25-35).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Dean's teaching of the performance of the students in the collaborative learning assessment and presenting each of the responses to the

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group project by using a computer to Sheehan's system in order to improve performance of a student in a work group efficiently.

As to Claim 24, Sheehan and Dean disclose the limitation of Claim 23 above. Sheehan further discloses the first comparative indicator includes two comparative indicators used to determine the ideal situation and the second comparative indicator includes two comparative indicators used to determine the current situation (Fig. 6).

As to Claim 25, Sheehan and Dean disclose the limitation of Claim 24 above. Sheehan further discloses the feedback items include at least one feedback item based on a comparison between the ideal situation and the current situation (Fig. 6).

As to Claim 26, Sheehan and Dean disclose the limitation of Claim 24 above. Sheehan further discloses displaying a comparison of the ideal situation and the current situation (Fig. 6).

As to Claim 27, Sheehan and Dean disclose the limitation of Claim 23 above. Sheehan further discloses the plurality of queries relate to one of an individual assessment and a group assessment (col. 5, lines 30-60).

As to Claim 29, Sheehan and Dean disclose the limitation of Claim 23 above. Sheehan further discloses a storage medium coupled to the CPU, the storage medium including at least one database and storing the plurality of queries, the plurality of rules and the feedback item (col. 24, lines 15-30).

As to Claim 31, Sheehan and Dean disclose the limitations of Claim 1 above. Sheehan further discloses wherein said theory-based individualized feedback reflects one or more management or group dynamics theories or schools of thought (col. 2, lines 1-60; col. 6, lines 20-45; col. 7, lines 50--67; col. 8, lines 35-50). 7.

5. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheehan and Dean as applied to claim 1 above, and further in view of Nichols et al. (U.S. Patent 5,987,443).

As to Claim 32, Sheehan and Dean disclose the limitations of Claim 1 above. Sheehan and Dean are silent regarding the limitation wherein the theory-based individualized feedback includes one or more links to tools that address diagnosed deficiencies.

Nichols discloses this limitation (col. 28, lines 17-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include one or more links to auxiliary tools that address diagnosed deficiencies into the invention disclosed by Sheehan. The motivation for doing so would be to conveniently provide means for an evaluatee to take appropriate

action regarding the results of one's evaluation, increasing the effectiveness of the feedback (Nichols, col. 28, lines 55-57).

As to Claim 33, Sheehan and Dean in view of Nichols discloses or suggests the limitations of Claim 32. Nichols further discloses that the tools comprise a method of conducting an assessment of an evaluatee (col. 29, lines 1-9).

It should be noted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the tools found in Nichols in accordance with the method disclosed in Sheehan. The motivation would be that the Sheehan disclosure, as noted in the rejection of claim 1, is very well suited for analyzing a student's work to identify problem areas and deliver focused feedback, which is a requirement for the tools disclosed by Nichols (col. 29, lines 4-6).

6. Claims 1, 3, 5-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheehan (US 6144838) in view of Carlile et al (or hereinafter "Carlile") ((US 6164974).

As to Claims 1, 9, 22, 28 and 30, Sheehan discloses a method of conducting an assessment of an evaluatee, comprising:

presenting a plurality of queries regarding an evaluatee to an entity (col. 5, lines 45-55);

receiving a response to each of the plurality of queries (col. 5, line 60-col. 6, line 10);

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applying the responses to a plurality of rules so that each rule has one of a satisfied state and an unsatisfied state (col. 5, lines 35-45; col. 6, lines 30-45; col. 7, lines 5-40; col. 10, lines 40-60);

generating individualized feedback items based on the state of the plurality of rules, each feedback item being associated with at least one of the plurality of rules having the satisfied state (col. 9, lines 45-60; col. 24, lines 5-55);

transmitting the feedback items to an entity (col. 23, lines 30-45; Fig. 6),

wherein the plurality of queries seek information as to the performance of the evaluatee (col. 8, lines 56-62; Fig. 6).

Sheehan is apparently silent regarding specifically to whom the results generated by the disclosed method are transmitted. However, Sheehan does disclose that preferred embodiments of this invention include analyzing results for the SAT and the GRE (col. 8, lines 35-50; see also cols. 19 and 20), both of which are well known to return results to an evaluatee. Furthermore, Sheehan also suggests that in the general case it is advantageous to return individualized results to an evaluatee, in order to allow one to plan for enrollment in future courses as one example (col. 1, lines 45-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit the feedback items to the evaluatee, so that the evaluatee can react appropriately to, and benefit from, the diagnosis (col. 1, lines 42-48).

Sheehan does not explicitly disclose performance of the evaluatee in a business, group, team, collaborative enterprise, or other setting requiring at least some interpersonal interaction in pursuit of a common goal, and wherein at least one of said

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presenting, receiving, applying, generating and transmitting are performed using at least one of a computer, data processing device, electronic communications system, or electronic data network.

Carlile teaches determining the specific performance of an individual student or a group of students for a given section of course material and overall course material. The above information shows that performance of a student in a group (includes a given section of course material and overall course material) (col. 5, lines 60-65).

Carlile also teaches providing information concerning a particular student's performance with respect to a particular test by using a computer (col. 3, lines 25-30; col. 10, lines 50-55).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Carlile's teaching of determining the specific performance of an individual student or a group of students for a given section of course material and overall course material and providing information concerning a particular student's performance with respect to a particular test by using a computer to Sheehan's system in order to improve performance of a student in group of courses efficiently and to provide an efficient teaching and learning environment.

As to claim 3, Sheehan and Carlile disclose the limitation of Claim 1 above. Sheehan further discloses the entity is a group one or more persons (col. 5, lines 30-35).

As to claim 5, Sheehan and Carlile disclose the limitation of Claim 1 above.

Sheehan further discloses a host computer presents the plurality of queries and transmits the feedback items to the evaluatee (col. 23, lines 30-45).

As to claim 6, Sheehan and Carlile disclose the limitation of Claim 1 above.

Sheehan further discloses the plurality of rules include mathematical formulae (col. 25, lines 5-30).

As to Claim 7, Sheehan and Carlile disclose the limitation of Claim 1 above.

Sheehan further discloses the plurality of rules include Boolean operations (col. 26, lines 45-55).

As to Claim 8, Sheehan and Carlile disclose the limitation of Claim 7 above.

Sheehan further discloses ones of the plurality of rules use output from other of the plurality of rules (col. 28, lines 20-45).

As to Claim 10, Sheehan and Carlile disclose the limitation of Claim 9 above.

Sheehan further discloses the memory includes a query database storing the plurality of queries (col. 8, lines 30-50).



As to Claim 11, Sheehan and Carlile disclose the limitation of Claim 9 above. Sheehan further discloses the memory includes a rules database storing the plurality of rules (col. 26, lines 55-65).

As to Claim 12, Sheehan and Carlile disclose the limitation of Claim 9 above. Sheehan further discloses the memory stores the responses to the plurality of queries (col. 8, lines 30- 50).

As to Claim 13, Sheehan and Carlile disclose the limitation of Claim 9 above. Sheehan further discloses the user computer includes a display to display the feedback items (col. 14, line 65-col. 15, line 30).

As to Claim 14, Sheehan and Carlile disclose the limitation of Claim 9 above. Sheehan further discloses the plurality of rules include a Boolean operation, a true condition of the Boolean operation corresponding to the satisfied state and a false condition of the Boolean operation corresponding to the unsatisfied state (col. 20, lines 20-55).

As to Claim 15, Sheehan and Carlile disclose the limitation of Claim 9 above. Sheehan further discloses the communications link includes one of a dialup connection, a wireless network connection, a local area network, a wide area network, fiber optic connection and an Internet connection (col. 24, lines 15-25).

As to Claim 16, Sheehan and Carlile disclose the limitation of Claim 9 above. Sheehan further discloses the memory includes computer executable code identifying an additional set of queries to be presented to the entity as a function of a predetermined response to at least one of the plurality of the plurality of queries (col. 13, line 5-50).

As to Claim 17, Sheehan and Carlile disclose the limitation of Claim 9 above. Sheehan further discloses the queries include one of a statement and a question (Fig. 2A).

As to Claim 18, Sheehan and Carlile disclose the limitation of Claim 9 above. Sheehan further discloses the computer executable code transmitting the feedback items to the user computer includes links to additional resources related to a respective feedback item (col. 13, lines 35-60).

As to Claim 19, Sheehan and Carlile disclose the limitation of Claim 18 above. Sheehan further discloses the links include one of a hyperlink or URL and an identification of one or more additional resources (col. 13, lines 35-60).

As to Claim 20, Sheehan and Carlile disclose the limitation of Claim 19 above. Sheehan further discloses hyperlink includes identification of a universal resource locator and the additional resource includes publication (col. 13, lines 35-60).

As to Claim 21, Sheehan and Carlile disclose the limitation of Claim 9 above. Sheehan further discloses the entity includes one of an individual and a group (col. 5, lines 30-40).

As to Claim 23, Sheehan discloses a method of conducting an assessment of an evaluatee, comprising:

- presenting a plurality of queries to an entity regarding an evaluatee (col. 5, lines 45-55);

- receiving a response to each of the plurality of queries (col. 5, line 60-col. 6, line 10);

- applying the responses to a plurality of rules so that each rule has one of a satisfied state and an unsatisfied state (col. 5, lines 35-45; col. 6, lines 30-45; col. 7, lines 5-40);

- generating individualized feedback items based on the state of the plurality of rules, each feedback item being associated with at least one of the plurality of rules having the satisfied state (col. 9, lines 45-60; col. 24, lines 5-55);and

- transmitting the feedback items [to the evaluatee: see rejection of claim 1 for

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obviousness/motivation], at least one of the feedback items including a link to an additional resource associated with the feedback item, wherein the plurality of rules results in at least a first comparative indicator and at least a second comparative indicator, the first comparative indicator representing an ideal situation for the evaluatee, and the second comparative indicator representing a current situation for the evaluatee (col. 23, lines 30-45; Fig. 6; col. 13, lines 30-55);

wherein the plurality of queries seek information as to the performance of the evaluatee (col. 8, lines 56-62; Fig. 6).

Sheehan does not explicitly disclose performance of the evaluatee in a business, group, team, collaborative enterprise, or other setting requiring at least some interpersonal interaction in pursuit of a common goal, and wherein at least one of said presenting, receiving, applying, generating and transmitting are performed using at least one of a computer, data processing device, electronic communications system, or electronic data network.

Carlile teaches determining the specific performance of an individual student or a group of students for a given section of course material and overall course material. The above information shows that performance of a student in a group (includes a given section of course material and overall course material) (col. 5, lines 60-65).

Carlile also teaches providing information concerning a particular student's performance with respect to a particular test by using a computer (col. 3, lines 25-30; col. 10, lines 50-55).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Carlile's teaching of determining the specific performance of an individual student or a group of students for a given section of course material and overall course material and providing information concerning a particular student's performance with respect to a particular test by using a computer to Sheehan's system in order to improve performance of a student in group of courses efficiently and to provide an efficient teaching and learning environment.

As to Claim 24, Sheehan and Carlile disclose the limitation of Claim 23 above. Sheehan further discloses the first comparative indicator includes two comparative indicators used to determine the ideal situation and the second comparative indicator includes two comparative indicators used to determine the current situation (Fig. 6).

As to Claim 25, Sheehan and Carlile disclose the limitation of Claim 24 above. Sheehan further discloses the feedback items include at least one feedback item based on a comparison between the ideal situation and the current situation (Fig. 6).

As to Claim 26, Sheehan and Carlile disclose the limitation of Claim 24 above. Sheehan further discloses displaying a comparison of the ideal situation and the current situation (Fig. 6).

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As to Claim 27, Sheehan and Carlile disclose the limitation of Claim 23 above. Sheehan further discloses the plurality of queries relate to one of an individual assessment and a group assessment (col. 5, lines 30-60).

As to Claim 29, Sheehan and Carlile disclose the limitation of Claim 23 above. Sheehan further discloses a storage medium coupled to the CPU, the storage medium including at least one database and storing the plurality of queries, the plurality of rules and the feedback item (col. 24, lines 15-30).

As to Claim 31, Sheehan and Carlile disclose the limitations of Claim 1 above. Sheehan further discloses wherein said theory-based individualized feedback reflects one or more management or group dynamics theories or schools of thought (col. 2, lines 1-60; col. 6, lines 20-45; col. 7, lines 50-67; col. 8, lines 35-50). 7.

7. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheehan and Carlile as applied to claim 1 above, and further in view of Nichols et al. (U.S. Patent 5,987,443).

As to Claim 32, Sheehan and Carlile disclose the limitations of Claim 1 above. Sheehan and Carlile are silent regarding the limitation wherein the theory-based individualized feedback includes one or more links to tools that address diagnosed deficiencies.

Nichols discloses this limitation (col. 28, lines 17-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include one or more links to auxiliary tools that address diagnosed deficiencies into the invention disclosed by Sheehan. The motivation for doing so would be to conveniently provide means for an evaluatee to take appropriate action regarding the results of one's evaluation, increasing the effectiveness of the feedback (Nichols, col. 28, lines 55-57).

As to Claim 33, Sheehan and Carlile in view of Nichols discloses or suggests the limitations of Claim 32. Nichols further discloses that the tools comprise a method of conducting an assessment of an evaluatee (col. 29, lines 1-9).

It should be noted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the tools found in Nichols in accordance with the method disclosed in Sheehan. The motivation would be that the Sheehan disclosure, as noted in the rejection of claim 1, is very well suited for analyzing a student's work to identify problem areas and deliver focused feedback, which is a requirement for the tools disclosed by Nichols (col. 29, lines 4-6).

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Alpert et al (US 6405226)

Snyder et al (2004/0115596)

Lang et al (US 5867799)

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

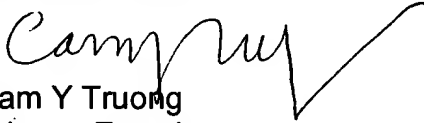


**Contact Information**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam Y T. Truong whose telephone number is (571) 272-4042. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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